

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of April 21, 2005.

The Office Action

The Examiner rejected claims 1-21 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,738,155 to Rosenlund.

Claims 7 and 19 are canceled. Therefore, claims 1-6, 8-18 and 20-22 remain in the application.

The Claims are Patentably Distinguished Over the Cited Reference

In Applicant's October 26, 2004 communication, Applicant provided an argument on page 9 attempting to distinguish claim 10 from the cited art.

In the April 21, 2005 Office Action, no comments regarding this argument were set forth. Applicant notified the Examiner of this situation. The Examiner acknowledged this argument was not addressed, but stated other comments set forth in the Office Action of April 21, 2005 addressed the argument.

Applicant respectfully traverses this position.

The previous argument regarding claim 10 is set forth below:

In addressing claim 10, it is suggested that the hierarchical storage management (HSM) system meets the limitation of prescanning the publication data for verifying the potential pathname. However, the HSM system, as a hierarchical system already containing a table (i.e. the HFD – see col. 14, lines 37-40) of known locations of files, has no need to prescan a potential pathname to verify that it is correct. The HSM system already knows the pathname is correct. Therefore, the HSM system provides no prescanning or verification of potential pathnames.

In contrast, claim 10 includes the limitation of prescanning the publication data for verifying the potential pathname. This feature, as described and claimed, is not present in Roselund. As such, claim 10 is patentably distinct from Roselund, and should be allowed. Moreover, since claims 11-15 depend on claim 10, claims 11-15 are

also in condition for allowance.

As noted, no discussion was provided which disputed the arguments set forth above. Rather, on page 5 of the Office Action, a statement from the previous Office Action is repeated, wherein it is stated Rosenlund et al. discloses "prescanning the publication data for verifying the potential pathname . . ." There is no discussion as to the location of such a teaching in Rosenlund et al. In other places in the Office Action, such as with reference to claim 7, it is stated that Rosenlund et al. includes "prescanning the data stream for verifying the image exists at the location (please note column 18, lines 34-60)." With regard to claim 19, it is stated the Rosenlund et al. patent teaches the "processing device prescans data corresponding to the high resolution version of the image (please note column 11, lines 24-31)."

With attention to the citation in Rosenlund et al. at column 18, lines 34-60, it is stated therein:

In block 1706, to locate a file, the user will select the search icon which executes the Java search sub-routine. When the search routine is executed, the Java applet communicates with central service facility 105 to identify the mode of operation of the browser. In response to the request for a search, DCM server 132 queries the user profile, and determines which tables and which attributes of those tables, that the end user is permitted to see and/or search on. In block 1708, the names of these attributes are transmitted to the end user's browser and are displayed on the screen of the end user's workstation in the form of a user selectable list box. In block 1710, the user selects one or more attributes on which he would like to search, as shown in FIG. 12, and selects an on-screen icon to perform the search. For example, in FIG. 12, the user has selected the attribute 1202 named "File Name" on which the search had indicated by the check mark next to the attribute name in the pull-down list box 1204. In an adjacent list box 1206, the Java search applet displays a plurality of search relationships, relating the attribute in DCM database 132 to be searched with a particular variable. In this case, the search relationship is "contains". Other relationships include but are not limited to "greater than" or "less than" which are typically used with metadata having numeric attributes, and "before" and "after" which are commonly used with metadata attributes containing time or date

values, as well as "starts with", and "ends with" which indicate a particular location in an attribute value.

And with regard to claim 19, the section of Rosenlund et al. cited (column 11, lines 24-31) states:

At step 610, a client, such as, end user facility 300, provides digital files or transparencies for scanning to central service facility 105. At step 615, central service facility 105 stores high resolution image files (e.g., graphics files) on server 110 and generates low resolution image files. At step 620, central service facility 105 logs files into DCM system 130. The client builds page layout using, for example, desktop computer 320 at step 625.

From a review of these sections, the only reference to scanning appears in column 11, line 26. However, this scanning has nothing to do with the claimed prescanning of the present application. Particularly, the language in claims 7, 10 and 19 are provided for a prescanning which acts to verify that an image exists at the intended location, i.e., verifying the potential pathname of the publication data, and where it prescans data which corresponds to the high resolution version of the image.

The scanning reference in Rosenlund is, in the first instance, not a prescanning operation which identifies potential paths and/or ensure the document is at a certain location. Rather, scanning is just taking digital files or transparencies so that they may be scanned to a central service facility. This has nothing to do with the concepts as claimed in the present application.

Thus, Applicant respectfully traverses that these sections of Rosenlund et al. teach or fairly suggest the prescanning concepts found in claims 7, 10 or 19. Applicant has canceled claims 7 and 19, and included that language into the corresponding independent claims 1 and 16, respectively.

Aug. 31, 2005 4:46PM Fay Sharpe

No. 4501 P. 12
Atty. Dkt. No. A0625-US-NP
XERZ 2 00383

CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1-6, 8-18 and 20-22) are now in condition for allowance. An early notice to that effect is therefore earnestly solicited.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Mark Svat, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

8/31/05
Date



Mark Svat
Reg. No. 34,261
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

N:\XERZ\200383\KMF0005991V001.doc